

Serial Number _____

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed within one-quarter mile of wetlands identified as interior least tern habitat.

On the lands described below:

For the purpose of:

Protect the habitat of the interior least tern, an endangered species under the Endangered Species Act (ESA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the interior least tern or its habitat. If the authorized officer determines that the action can affect the least tern or its habitat, consultation with the U.S. Fish and Wildlife Service (FWS) will be required prior to the final determination of the exception.

Modification: The boundaries of the stipulated area can be modified if the authorized officer, in consultation with the FWS, determines that portions of the area are no longer essential to the interior least tern.

Waiver: This stipulation can be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold no longer contains habitat essential to the interior least tern, or if the interior least tern is declared recovered and is no longer protected under the ESA.

NSO 11-10
Billings Field Office
Miles City Field Office
South Dakota Field Office